

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Facebook URL:
https://www.facebook.com/dale.williams.921025
Friend Identification number: 100006538177092

Case No. 14-856 M(NJ)

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
See Attachment A

located in the Eastern District of Wisconsin, there is now concealed (identify the person or describe the property to be seized):
See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. Section 2250(a)	Failure to Register as a Sex Offender

The application is based on these facts:

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

Jeremy Loesch, Deputy US Marshal
Printed name and title

Sworn to before me and signed in my presence.

Date: April 1, 2014

City and state: Milwaukee, Wisconsin


Judge's signature

Magistrate Judge Nancy Joseph
Printed name and title

AFFIDAVIT IN SUPPORT OF APPLICATION FOR A SEARCH WARRANT

I, Deputy U.S. Marshal, Jeremy Loesch, being first duly sworn, depose and state as follows:

1. I make this affidavit in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook, Inc. to disclose to the government records and information associated with certain Facebook account that are stored at premises owned, maintained, controlled, or operated by Facebook, Inc. , a social networking company headquartered at 1601 Willow Road, Menlo Park, CA 94025. The account to be searched is described in the following paragraphs and in Attachment A as;

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2. The facts to establish grounds for issuing the search warrant are as follows:

BACKGROUND

3. I am a Deputy with the U.S. Marshals Service, having been employed for over 11 years. As part of my duties, I investigate violations of federal and state laws, including those relating to fugitives. I have also received specialized training in the investigation of violations of the Adam Walsh Act.
4. The information contained in this affidavit is based on my training and experience, as well as information provided to me by other law enforcement officers and citizens, whom I believe to be truthful and reliable. This affidavit is not an exhaustive account of everything I know about this case. Rather, it contains only the facts that I believe are necessary to establish probable cause to search the Facebook accounts, described above, used by Dale L. Williams (hereinafter Williams).

PROBABLE CAUSE

5. On November 27, 1991, Williams was convicted in Winnebago County Circuit Court, Winnebago County, Illinois of Aggravated Criminal Sexual Assault under case number 1991-CF-0001825. Because of this conviction Williams is required to register as a sex offender.
6. Williams has acknowledged his requirement to register as a sex offender with the Illinois State Police Sex Offender Registry by signing Sex Offender Registration Act Notification Forms on at least the following dates:

9/12/1997, 10/03/1997, 10/09/1998, 11/22/2009, 10/19/2000, language contained within this form reads in part:

"Failure to register is a criminal offense and will extend my registration period 10 years from my next registration, if not already subject to lifetime registration."

"Under the Adam Walsh Child Protection and Safety Act. Of 2006, 18 United State Code § 2250, if you travel to another state and fail to register as required, you are also subject to federal prosecution that carries penalties of a fine and/or imprisonment up to 10 years."

Williams wrote his initials next to the following statements:

"If you move from Illinois you must comply with the registration requirements of your new state of residency. "

"If you move to another state, you must register with that state within 10 days, if that state has a registration law."

"If you move to another state, you must register with that state within 3 days. You must notify the agency with whom you last registered in person of your new address at least 3 days before moving"

7. Williams has acknowledged his requirement to register as a sex offender with the Arizona Department of Public Safety Sex Offender Compliance Unit on May 9, 2007, by signing a form titled, "SEX OFFENDER REGISTRATION." Language contained within this form reads in part:

"I understand that Arizona law requires a person who has been convicted of a specific offense outlined in A.R.S. 13-3821A, to register within ten (10) days after conviction or within (10) days after entering and remaining in any county of the state with the Sheriff of the county in which the person resides.

Williams wrote his initials next to the following statements:

1. I understand my responsibility to register as a sex offender is a lifetime requirement and failure to register is punishable as a felony.
2. I understand that should I relocate to another state, I must comply with the registration requirements of that state.

8. Williams has acknowledge his requirement to register as a sex offender with the Virginia State Police on May 18, 2007, by signing a form titled, "SEX OFFENDER AND CRIMES AGAINST MINORS REGISTRATION FORM" Language contained within this form reads in part:

"Sexually Violent Offender: Signature of Violent Sex Offender (Williams' signature). My signature on the fingerprint registration card certifies that I fully understand a re-registration form will be mailed to me from the State Police to verify my address of residence every 90 days from the date of my original registration for life."

9. A warrant was issued for Williams arrest by the Rockford, Illinois, Police Department on September 8, 2011, charging him with Failure to Register as a Sex Offender.
10. On March 26, 2014, I received a referral for federal prosecution of Williams for violations of the Adam Walsh Act, 18 U.S.C. 2250(a) from Milwaukee Police Detective Sean Lips. Detective Lips provided information to me that he, along with other Milwaukee Police Officers, had arrested Williams on March 21, 2014, in the City of Milwaukee based upon an undercover investigation. Lips, while posing as a 15-year-old boy, answered a *Craigslist* ad posted by Williams' stating:

"I woke up rockhard...I need someone young slim fem twinkish to cum suck me until I explode in ur mouth...this am only."

Detective Lips engaged in on-line and telephone conversations where he specifically told Williams' that he was 15-years-old. Williams' giving specific instructions arranged for the child to ride Milwaukee Public Transit to his residence to engage in a sexual act.

11. On March 25, 2014, a search warrant was authorized by the Honorable Judge Stephanie Rothstein, Milwaukee County Circuit Court for content and posting information associated with Williams' *Craigslist* posts. Information returned from *Craigslist* identified the e-mail Williams' used to make his *Craigslist* posts as dalewilliams0408@gmail.com. Williams had used this e-mail address from August 23, 2012, to present to make 31 unique postings.
12. On March 26, 2014, Williams' was charged in Milwaukee County Circuit Court with Use of a Computer to Facilitate a Child Sex Crime in violation of Wisconsin statute, 948.075(1r).
13. On March 28, 2014, I conducted an open records search of Facebook.com. I

used Williams' e-mail, dalewilliams0408@gmail.com as a search term to identify any associated accounts. Facebook identified one account associated with the e-mail address,

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14. Through my training and experience I know that people who use social media sites such as Facebook maintain relationships with family and friends through private messages along with posting and exchanging of pictures.
15. On March 31, 2014, I spoke with Sergeant Thomas Hiatt with the Illinois State Police Sex Offender Registry. Sgt. Hiatt confirmed that following the Rockford Police Department's issuance a warrant for Williams' arrest on September 8, 2011, Williams' whereabouts were unknown until his arrest in Milwaukee, Wisconsin, on March 21, 2014.
16. On March 31, 2014, I spoke with Sex Offender Registration Specialist Monica Lukach with the Wisconsin Sex Offender Registry. Lukach confirmed that there is no record of Williams' having ever registered as a sex offender in the State of Wisconsin.
17. Information obtained through a confidential source, who has proven reliable and accurate in the past, stated that Williams has an employment history in Wisconsin dating back to the calendar year of 2011.

TECHNICAL BACKGROUND

18. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.
19. Facebook asks users to provide basic contact information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.
20. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to

himself or herself, to particular Facebook users, to all Facebook users, or to anyone with access to the Internet, including people who are not Facebook users.

21. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "Mini-Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.
22. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post "status" updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming "events," such as social occasions, by listing the event's time, location, host, and guest list. A particular user's profile page also includes a "Wall," which is a space where the user and his or her "Friends" can post messages, attachments, and links that will typically be visible to anyone who can view the user's profile.
23. Facebook has a Photos application, where users can upload an unlimited number of albums and photos. Another feature of the Photos application is the ability to "tag" (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook's purposes, a user's "Photoprint" includes all photos uploaded by that user that have not been deleted, as well as all photos uploaded by any user that have that user tagged in them.
24. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient's "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile.
25. Facebook Notes is a blogging feature available to Facebook users, and it

enables users to write and post notes or personal web logs ("blogs"), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

26. The Facebook Gifts feature allows users to send virtual "gifts" to their friends that appear as icons on the recipient's profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other "pokes," which are free and simply result in a notification to the recipient that he or she has been "poked" by the sender.
27. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.
28. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user's access or use of that application may appear on the user's profile page.
29. Facebook uses the term "Neoprint" to describe an expanded view of a given user profile. The "Neoprint" for a given user can include the following information from the user's profile: profile contact information; Mini-Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.
30. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user's IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.
31. Social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their account,

such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well records of any actions taken by the provider or user as a result of the communications.

32. Therefore, the computers of Facebook are likely to contain all the material just described, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and account application.

ACCOUNT TO BE SEARCHED and ITEMS TO BE SEIZED

33. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook, Inc. to disclose to the government copies of the records and other information (including the content of communications) particularly described in Attachment B under the following accounts:

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CONCLUSION

34. Based on the aforementioned factual information, I respectfully submit that there is probable cause to believe that evidence, fruits, and instrumentalities of such criminal offenses may be located within the aforementioned Facebook account in violation of Adam Walsh Act, Title 18 U.S.C. Section 2250(a).
35. I request that the Court issue the proposed search warrant. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is "a district court of the United States . . . that - has jurisdiction over the offense being investigated." 18 U.S.C. § 2711(3)(A)(i). Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

ATTACHMENT A

Information associated Facebook URL:

<https://www.facebook.com/dale.williams.921025>

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from January 1, 2011, through present, that is stored at premises owned, maintained, controlled, or operated by Facebook Inc., a social networking company headquartered at 1601 Willow Road, Menlo Park, CA 94025.

ATTACHMENT B

I. Information to be disclosed by Facebook, Inc.

To the extent that the information described in Attachment B is within the possession, custody, or control of Facebook, Inc., Facebook, Inc. is required to disclose the following information to the government for each account or identifier listed in Attachment A from January 1, 2011, through the date of this search warrant:

- a. The contents of all communications stored in the Facebook, Inc. account for the subscriber identified as follows:

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- b. User Basic Subscriber Information (BSI), User Neoprint, User Photoprint, Group Contact Info, Private Messages, IP Logs;
- c. All communications stored in the account, whether sent from or received in the account, including any "chat or messaging or other communications," as well as such communications held in a "Deleted" status;
- d. All address books, contact lists, friends lists, buddy lists, or any other similar compilations of personal contact information associated with the accounts;
- e. All records or other information regarding the identification of the accounts, including full name, physical address, mailing address, residential or business address; other contact or identifying information such as telephone numbers and other identifiers; including subscriber names, user names, screen names or other identities associated with the account; records of session times and durations, the date on which the accounts were created, the length of service, the types of service utilized, the IP address used to register the accounts, log-in IP addresses associated with session times and dates, account statuses, alternative email addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);
- f. All records pertaining to communications between Facebook, Inc., and any person regarding the accounts, including contacts with support services and records of actions taken.
- g. BACKUPDATA maintained in connection with the account.